

(In effect as of January 1, 2005\*)

TABLE 15. REHABILITATION BENEFITS PROVIDED FOR INJURED WORKERS UNDER STATE WORKERS' COMPENSATION LAWS

<u>State</u>	<u>Rehab. Statutes*</u>		<u>WC Rehab. Unit</u>	<u>Rehab. Unit Services*</u>	<u>Employer/Carrier Responsibilities 1/</u>	<u>Employee Responsibilities</u>	<u>Penalties to Employees 2/</u>	<u>Employee Benefits During VR</u>
	<u>PR</u>	<u>VR</u>		<u>D / R / M</u>				
ALABAMA Secs. 25-5-57(a)(4)(i) 25-5-77	x	x	No		1) provide VR upon request of VR Specialist and physician 2) VR costs including board, lodging and travel	1) accept PR & VR	1) compensation suspended	TTD plus board & lodging if away from home, & travel

\*LEGEND:

N/A = Not Available

WC = Workers' Compensation

PR = Physical Rehabilitation

VR = Vocational Rehabilitation

Rehab. Unit = Rehabilitation Unit

D = Direct (Rehab Unit provides rehabilitation services to claimants.)

R = Referral (Rehab Unit refers claimants to State agencies or private companies.)

M = Monitor (Rehab Unit monitors the cases it has referred.)

TTD = Temporary Total Disability

PTD = Permanent Total Disability

PPD = Permanent Partial Disability

TPD = Temporary Partial Disability

FOOTNOTES:

1/ Self-insurers, carriers or State Funds (when employers insure through the State) cover the costs of physical rehabilitation.

2/ Penalties that affect workers' compensation apply only to the period of time the employee refuses rehabilitation.

3/ Physical rehabilitation (PR) is covered under medical services.

4/ No vocational rehabilitation (VR) provision in the workers' compensation law.

\*See Introduction page.

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ALASKA Secs. 23.30.041 23/30.095	x	x	Yes	x	1) Eligible injured workers may elect to participate in vocational rehabilitation. Employer/carrier must pay those rehab cost. 2) Once established rehab plan length (2 years) and cost (\$13,300) limited.	1) accept PR. 2) if elect to participate in VR must cooperate.	1) compensation may be suspended for unreasonable refusal of PR. 2) VR may be terminated for noncooperation.	TTD until medical stability, then PPI at weekly TTD rate until exhausted, then additional compensation paid at 70% of spendable weekly wage rate.
ARIZONA Secs. 23-1026 23-1065(A)(1)	3/		No		1) at the discretion of the Industrial Commission, the State Special Fund pays some VR costs 2) carrier or self-insured employer may elect to provide VR	1) accept PR	1) compensation reduced or suspended	
ARKANSAS Sec. 11-9-505	3/		x	No	1) VR costs for maximum 72 weeks	1) accept PR; not required to accept VR, but if rejected, limited to permanent physical impairment rating	1) compensation suspended	PPD plus travel & maintenance expenses

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CALIFORNIA Sec. 139.5	x	x	Yes	x	1) VR costs 2) during PR & VR pay TTD & additional living expenses 3) mandatory payments generally capped at \$16,000	1) must request VR within 5 years of the date of injury	1) compensation withheld for refusal to cooperate	TTD or maintenance allowance at \$246 (limited to 52 weeks) and living expenses necessitated by rehabilitation; terminated VR services may be restored within 5 years after injury in certain cases. Settlement of vocational rehabilitation benefit is allowed for represented workers. The settlement can be up to \$10,000 for use in a self-directed vocational rehabilitation plan. VR statute sunsets 1/1/2009.
COLORADO Secs. 8-49-101 8-51-102 8-51-110 (applies only to DOI prior to 7/2/87)	x	x	No	x	1) Offer VR; pay VR costs: tuition; travel; maintenance expenses equivalent to TTD	1) accept VR	1) compensation reduced or suspended	weekly maintenance equal to TTD; VR may be terminated by any party upon 14 days of written notice to all parties
CONNECTICUT Secs. 31-283(a-c) 31-313 31-294	x	x	Yes	x	1) pays disability benefits during VR 2) pays medical rehab services	1) accept PR	1) compensation suspended	TTD



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DELAWARE Sec. 2353	x	x	No				1) VR costs 2) board, lodging & travel expenses during PR & VR	1) accept PR & VR	1) lose compensation; no compensation for increased disability during refusal period	TTD
DISTRICT OF COLUMBIA Sec. 32-1507(a),(c) & (d)	3/	x	No			x	1) VR costs	1) accept PR & VR	1) compensation suspended	TTD plus maximum \$50/ week maintenance
FLORIDA Secs. 440.13 440.491	3/	x	Yes	x	x	x	1) When department is paying for retraining, carrier must pay up to 52 weeks of temporary total indemnity benefits (as long as 104 weeks of temporary benefits are not exhausted). 2) If the carrier is voluntarily providing re-employment services and exceeds 180 days of services, or such services exceed \$2,500 in costs, the carrier is required to refer the the injured worker to the department for services. 3) Carrier is required to complete a reemployment status review under certain circumstances. 4)Carrier must report costs of voluntarily provided re-employment services to the department. 5) Carrier must notify injured worker of the department's reemployment services in certain cases.	1) accept VR	1) compensation forfeited	TTD plus board, lodging & travel
GEORGIA Sec. 34.9-201.1	x	x	Yes			x	1) VR costs plus board, lodging & travel for maximum 2) WC Board may ex-	1) accept PR & VR	1) compensation reduced or suspended	TTD plus board, lodging & travel

tend time maximum

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HAWAII Secs. 386-24 386-25	x	x	Yes	x	x	1) Employer/carrier covers rehabilitation costs, including maintenance expenses			TTD plus travel, tuition, books & living expenses
IDAHO Secs. 72-432 72-433 72-450 72-501A	x	x	Yes	x		1) VR travel costs 2) board, lodging & travel costs of PR 3) Special State Fund pays for PR & VR services			TTD plus transportation costs
ILLINOIS Secs. 305/8 310/19	x	x	No			1) VR costs 2) PR & VR maintenance expenses	1) accept PR	1) compensation reduced or suspended	TTD plus incidental maintenance expenses

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INDIANA Secs. 22-3-3-4 22-3-12	x	x	Yes	x		1) travel expenses associated with PR 2) individualized VR plan developed by Office of VR	1) accept PR & VR	1) lose compensation; no compensation for increased disability during refusal period	determined by the Office of VR
IOWA Secs. 85-27 85-70	x	x	No			1) VR costs 2) benefit payments during VR for maximum of 26 weeks			TTD if eligible and/or for maximum of 26 weeks, \$20/week
KANSAS Sec. 44-510g	x	x	Yes		x x	1) pay TTD or TPD during PR 2) VR may be voluntarily provided by the employer	1) accept VR	1) compensation suspended	TTD plus board, lodging & travel for PR
KENTUCKY Secs. 342.020 342-710	x	x	Yes		x	1) PR & VR costs 2) costs of board, lodging & travel during PR & VR 3) VR limited to 52 weeks; extension granted by ALJ in unusual cases	1) accept PR & VR	1) compensation reduced by 50%	normal weekly compensation plus board & lodging, if away from home, & travel

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LOUISIANA Secs. 23:1203 23:1223	x	x	Yes				1) PR & VR costs 2) TTD benefits during VR for a maximum of 26 weeks 3) costs of board, lodging & travel during PR & VR	1) accept PR & VR within 2 years after benefits for TTD are terminated	1) weekly compensation reduced by 50% during refusal period	TTD plus board, lodging and travel if away from home
MAINE Secs. 217 355 358-A(5)	x	x	No	x	x	x	1) VR costs 2) pay 180% of cost of successful VR if plan not voluntarily implemented	1) accept VR	1) compensation suspended if refuses to accept VR pursuant to an order of the Board	Normal weekly compensation plus transportation and/or extra necessary expenses during VR
MARYLAND Secs. 36(9) 37	3/	x	Yes			x	1) VR costs, plus TTD & maximum \$40/week maintenance for maximum 24 months; VR training provided up to a maximum of 24 months	1) accept VR	1) compensation suspended	TTD plus maximum \$40/week maintenance for maximum 24 months; VR training provided up to a maximum of 24 months
MASSACHUSETTS Secs. 30A 30B 30C	x	x	Yes			x	1) VR costs 2) costs of board, lodging & travel during PR & VR	1) not required to accept PR or VR	1) compensation suspended during period of refusal	TTD plus board, lodging and travel

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MICHIGAN Secs. 418:315 418:319	x	x	Yes	x	x	x	1) costs of VR for maximum 104 weeks 2) costs of travel & expenses during VR 3) may be required to offer VR by WC Bureau	1) accept PR & VR	1) compensation reduced	compensation for "wage-loss" plus travel & necessary expenses
MINNESOTA Secs. 176.101 176.102	3/	x	Yes	x		x	1) offer rehab counseling upon request of employee, employer or wc agency. 2) pay cost of VR evaluation, plan preparation, services and supplies to implement plan. 3) VR costs including tuition, books, day care, travel; board and lodging during travel, reasonable moving expenses and retraining up to 156 weeks 4) VR for surviving spouse in death cases	1) cooperate with approved plan.	1) compensation suspended if employee refuses to make effort to cooperate with approved rehab plan 2) TTD benefits stop if employee withdraws from labor market, fails to search for appropriate work, or refuses work consistent with rehab plan	compensation for TTD paid until 90 days after mmi. If retraining approved, TTD paid until 90 after the end of training; plus tuition, books, custodial daycare, travel, board & lodging during travel, and reasonable moving expenses

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MISSISSIPPI Secs. 71-3-15 71-3-19 71-3-93	3/	x	Yes	x	1) during VR, pay maximum \$10/week for 52 weeks	1) accept PR	1) compensation suspended	TTD plus \$10/week for 52 weeks
MISSOURI Secs. 287.141 287.144	x	x	Yes	x	1) provide rehab within 120 days if injury results in a loss of suitable, gainful employment 2) pays VR & PR costs not to exceed \$5,000 for 26 weeks, plus board, lodging & travel; employer may extend additional 26 weeks	1) accept PR	1) compensation reduced 50%	TTD or TPD plus board, lodging & travel

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MONTANA Secs. 39-71-1006 39-71-704	3/	x	No		1) assign a rehab provider to develop rehab plan. 2) in addition to providing biweekly benefits, carrier provides payment for tuition, fees, books, and other reasonable and necessary expenses, excluding travel and living expenses, for a disabled worker who is injured on or after 7/1/97	1) accept VR 2) must have actual wage loss and reasonable opportunity to reduce wage loss through rehab, or impairment rating of 15% or greater 3) must begin rehab within 78 weeks of reaching maximum medical healing	1) compensation suspended	1) benefits paid at the TTD rate not to exceed 104 weeks 2) payment for tuition, fees, books, and other reasonable and necessary retraining expenses for injuries occurring on or after 7/1/97

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	<u>PR</u>	<u>VR</u>		<u>D</u>	<u>R</u>	<u>M</u>				
NEBRASKA Secs. 48-121 48-162.01	x	x	Yes	x			1) may be required by WC Court to offer PR 2) cost of board, lodging & travel during PR 3) State VR Fund pays VR costs, except TTD 4) fees for VR evaluation & plan paid by employer	1) accept PR & VR	1) compensation reduced or suspended	TTD plus board, lodging & travel
NEVADA Secs. NRS 616C.530 through NRS 616C.600	3/	x	No	x	x	x	1) Insurer or Self-Insurer pays cost of VR and maintenance benefits 2) VR services may be provided in certain circumstances up to 2 1/2 years. 3) VR services may be offered out of State to an injured employee who lives 50 miles from any border of Nevada, or if employee can demonstrate that on date of injury his/her permanent residence was outside of State.	1) accept VR	1) compensation suspended	an allowance that would not exceed TTD, travel, vocational rehabilitation maintenance (same as TTD rate), lump sum rehabilitation buyout.

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NEW HAMPSHIRE Sec. 281:21	3/	x	Yes	x	1) VR costs, including books, tools, board & lodging	1) accept VR	1) compensation loss	TTD plus books, tools board, lodging & travel
NEW JERSEY Secs. 34:15-12(b) 34:15-15	x	x	No		1) may be required by courts to pay VR costs; otherwise, paid by Vocational Rehabilitation under the Department of Labor	1) accept PR & VR	1) compensation suspended	TTD
NEW MEXICO Sec. 52-3-17 of Occupational Disease Dis- ablement Law	x		No		1) VR costs; but if employee refuses to submit to evaluation or accept VR, employer only pays for medical and disability benefits 2) during VR, costs of board, lodging, tuition, travel and all other expenses; two year limit in which to complete VR training and \$2,500 limit for employee evaluation and counseling	1) must notify employer within 120 days of release from health care; accept VR		TTD plus board, lodging, tuition, travel and all other expenses for up to two years
NEW YORK Secs. 13 15(9)	3/	x	Yes	x	1) contribute to State VR Fund; Fund pays VR costs, except TTD			TTD plus maximum \$30/ week maintenance

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NORTH CAROLINA Secs. 97-25 97-59	x	4/	Yes	x		1) accept PR	1) compensation suspended	
NORTH DAKOTA Secs. 65-05.1-01 through 65-05.1-06	x	x	Yes	x x	1) State WC Bureau pays VR costs and benefits 2) VR costs, maximum 104 weeks training; VR benefits include cost of books tuition, fees, equipment, tools, or supplies 3) additional benefits may be awarded for actual relocation expenses, up to two months of benefits for work search after training, and for catastrophic injury beyond 5 years	1) accept PR & VR	1) compensation suspended	a rehab allowance not to exceed two years' weekly compensation and dependent benefits plus 25%, except for a catastrophic injury; worker also remains eligible for partial disability benefits; maximum award of \$20,000 for relocation/remodeling or for adaptations to real estate
OHIO Secs. 4121.61 through 4121.69	x	x	Yes	x	1) State Surplus Fund or Self-Insurer pays costs of VR and maintenance			Living expense not to exceed TTD, but not less than 50% of the SAWW

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OKLAHOMA Secs. 14 16	x	x	No	N/A	1) during PR & VR, costs of services, compensation, board, lodging, travel tuition and books 2) VR costs maximum 104 weeks	1) to request VR within 60 days of final determination of PPD	1) If the worker refuses services or fails to complete VR in good faith, or at the court's discretion, the cost of the evaluation and services rendered may be deducted from any remaining unpaid benefits awarded to the worker.	TTD is being evaluated for PTD
OREGON Secs. 656.202 656.245 656.258 656.268 656.283 656.325 656.335 656.34	x	x	Yes	x	1) State Administrative Fund pays VR costs for injuries prior to 1986 2) insurer responsible for costs of post 1985 injuries 3) WC Department certifies private rehab counselors and authorizes companies 4) insurer provides all assistance for rehab	1) accept PR & VR 2) appeal of an insurer's decision must be filed with the Department within 60 days	1) compensation reduced or suspended 2) forfeiture of VR benefits	TTD for 16 months while in training; may be extended to 21 months under certain conditions
PENNSYLVANIA Sec. 306(f.1)(8)	3/	4/	No			1) accept PR	1) no compensation for increased disability during refusal period	

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PUERTO RICO Secs. 3, 3-A, 3-B	3/	x	No		1) Exclusive State Fund pays costs & benefits of PR & VR			TTD for maximum 26 weeks
RHODE ISLAND Secs. 28-33-5 28-33-6 28-33-41 28-33-41.1 28-37-1(3)	x	x	Yes	x	1) parties may agree to a rehab plan or submit a plan to the Court for approval after three months of compensation 2) VR costs including board, lodging and travel 3) contribute to Rehab Center Fund	1) accept PR & VR	1) compensation suspended	TTD or PPD plus board & lodging, if away from home, and travel
SOUTH CAROLINA Secs. 42-3-80 42-15-60	3/	x	No		1) VR costs 2) employer must provide and enforce use of safety appliances	1) accept PR	1) compensation suspended	TTD
SOUTH DAKOTA Secs. 62-4-1 62-4-5.1	3/		No		1) pays TTD up to 60 days during VR 2) in place of rehab, employer may pay supplemental wage benefits and return to work incentive payments			TTD
TENNESSEE Secs. 50-1004 50-1028	3/		No		1) Division of WC refers cases for VR to the State Department of Education	1) accept PR	1) compensation suspended	

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TEXAS Part I, Sec. 7, 7e(a) Part 2, Sec. 4	3/		No			1) accept PR		
UTAH Sec. 34A-2-413	3/	x	No		1) Labor Commission refers all potential PTD cases (with an injury date prior to 7/1/94) to the State Office of Rehabilitation for VR training 2) Second Injury Fund pays VR costs, maximum \$3,000 per employee	1) accept VR	1) will not receive PTD from Second Injury Fund after employer's liability for PTD ends after 312 weeks	an unlimited allowance to replace each artificial means or appliance; maximum of \$3,000 for VR
VERMONT Secs. 640 641	3/	x	Yes		1) VR costs, books tools; board, lodging & travel, if travel is required	1) accepts VR 2) meet VR plan obligations	1) compensation suspended	books, tools, board & lodging, if away from home, & travel
VIRGINIA Sec. 65.2-603	x	x	No		1) PR & VR costs	1) accept PR & VR	1) compensation suspended	TTD; maximum \$25,000 is allowed for rehab appliances prescribed by the treating physician for medical care

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WASHINGTON Secs. 51.32.095 51.36.010 51.36.050 51.52.250	3/	x	Yes	x	x	x	1) during VR, State Fund or self-insurer pays for services, books, tuition, fees, supplies, equipment, child care or dependent care, (maximum \$4,000 in any 52-week period), and other expenses necessary for self-employment, reemployment or job placement, including travel, and room and board	1) accept VR		maximum 104 weeks TTD plus maximum \$4,000 in any 52-week period for books, tuition, fees, supplies, equipment child care or dependent care, & travel; board & lodging if away from home; job modification costs not to exceed \$5,000
WEST VIRGINIA Secs. 29-4-3 29-4-9	x	x	Yes			x	1) State Fund or self-insurer pays cost of VR (maximum \$20,000/employee)			TTD

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WISCONSIN Secs. 102.42 102.43 102.61	x	x	No		1) VR costs, including maintenance & travel			Maximum 80 weeks TTD plus travel & maintenance extensions available. The 80 week limitation may be extended by the department for additional training.
WYOMING Secs. 27-14-401 27-14-408	3/	x	No					
UNITED STATES**: FECA Secs. 8103, 8104, 8111, 8113	3/	x	Yes	x	1) Employees' Compensation Fund pays PR & VR costs, including travel	1) accept VR	1) compensation decreased	TTD plus maximum \$200/month maintenance
LHWCA Secs. 7(a) - (d) 8(g) 39© (1) + (2)	3/		Yes	x	1) contribute to Special Fund; Fund pays VR costs, except TTD	1) accept PR		TTD plus maximum \$25/week maintenance

\*\*Federal Employees' Compensation Act; Longshore and Harbor Workers' Compensation Act